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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,726	12/03/2001	Leonardo W. Estevez	TI-31035	7169

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EXAMINER

DINH, TAN X

ART UNIT PAPER NUMBER

2653

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/998,726	ESTEVEZ, LEONARDO W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TAN X. DINH	2653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27,29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/08/05</u> | 6) <input type="checkbox"/> Other: _____  |

1) The amendment filed 6/03/2005 is acknowledged. Claim 28 have been canceled. New claims 29-31 are currently been added.

2) The I.D.S filed 4/08/2005 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

4) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5) Claims 1-27,29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by MIN-JAE ( 6,222,807 ).

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MIN-JAE discloses a self-contained portable music player as claimed in claim 1, comprising:

A rechargeable battery pack for powering the music player ( column 17, lines 4-12 );

an input/output device including at least a keypad for receiving user inputs and a display ( Fig.4, input/output 56 );

a memory capable of storing digital music in at least one compressed digital format ( Fig.4, internal music storage 54 );

a data processor connected to said input/output device and said memory to decompress said digital music into uncompressed digital music samples ( Fig.4, CPU 51 );

an audio coder-decoder connected to data processor for receiving uncompressed digital music samples from data processor and converting said uncompressed digital music samples into analog music ( Fig.4, Encoder-Decoder 61 and 62 );

a headset connector connected to audio coder-decoder for supplying analog music to an external headset earphone ( Fig.2, headset 92 );

a base connector including:

a power connection connected to rechargeable battery pack capable of receiving charging from an external base unit ( Fig.2, connector 26. see also column 17, lines 4-12 );

an analog output connection connected to audio coder-decoder for supplying analog music to an external base unit for amplification and reproduction via speakers ( Fig.3, D/A converter 33, amplifier 34 and Speaker 35 );

An analog input connection connected to said audio encoder/decoder for receiving an analog input from external based unit ( Fig.3, connector 27 and I/F driver 26 );

the self-contained portable music player operates in a portable mode disconnected from a base unit and powered by battery pack and a user may listen to selected digital music stored in memory via an external headset earphone ( figure 2, the self-contained portable music player 50 operates in a portable mode disconnected from a base unit 10, powered by battery pack and a user may listen to selected digital music stored in memory via an external headset earphone 92 );

and in a base mode connected to a base unit via said base connector and powered via said power connector a user may listen to selected digital music stored in memory via speakers of an external base unit and wherein the a user may listen to music received on analog input connection of base connector ( see figure 2, in base mode, the portable player 50 is connected to base 10 via connector 27 and the user may listen to music stored in memory of portable

player 50 or from memory of base 10 to speaker 35 of base 10. It is noted that, the music files can be transferred from portable player 50 to base 10 or vice versa ).

As to claims 2,14 and 26, MIN-JAE shows the volume can be control from portable player or base unit ( Fig.2, volume control on panel operation unit 20 and in portable player 50, figure 4, via connector 27 and USB bus B1, B2 ).

As to claim 3, MIN-JAE shows the base connector include a set of digital connections connected to data processor and audio code-decoder for bi-directional transmission of digital data ( Fig.2, Modem 19, connectors 27, 60 ).

As to claims 4 and 16, MIN-JAE shows an infrared transmission interface connected to data processor for bi-directional transmission digital data with an external base unit ( column 10, lines 28-32 ).

As to claims 5-7 and 17-19, MIN-JAE shows a microphone ( Fig.4, 65 ), a pre-amplifier ( pre-amplifier is embedded in microphone 65 ) connected to encoder/decoder and digitizes sound received by microphone and stores in memory ( Fig.4, A/D 64, memory 54 ), the processor having a program to compress digitized sounds into compressed digital format and stores in memory ( the audio

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after digitized are compressed and stores ad audio files in memory 54 or HDD 15 ).

As to claims 8-10 and 20-22, MIN-JAE shows audio encoder/decoder digitizes analog input received via input connection and stores in memory ( the analog audio input are digitized and stored in memory 54 or HDD 15 ), processor having a program to compress digitized sounds into compressed digital format and stores in memory ( the audio after digitized are compressed and stores ad audio files in memory 54 ).

As to claims 11,12,23 and 24, MIN-JAE shows memory is non-volatile memory ( Fig.2, HDD 15; Fig.4, memory 54 ) and processor is digital signal processing ( Fig.2, CPU 11 ).

Claim 13 and 25 add to claim 1 a tuner for receiving and demodulating analog audio signals, the tuner supplying analog audio signals to base unit analog output connection which is shown in column 8, lines 58-63.

As to claims 15 and 27, MIN-JAE shows first base connector further includes a set of first digital connections connected to data processor and audio coder-decoder for bi-directional transmission of digital data with an external base unit ( Fig.2, data processor CPU 11 and audio encoder/decoder 18 and 29 are connected to USB bus B1 ), second base connector further includes a

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set of second digital connections for connection to set of first digital connections ( every connectors are connected to bus B1 and B2 ) and base unit further includes a disc drive connected to set of second digital connections of second base connector capable of storing and recalling digital data ( Fig.2, CD-ROM driver 17 and MD-ROM driver 18 are connected to bus B1 and B2 ).

As to claim 29, MIN-JAE shows base connector further includes a digital data bus connection for bidirectional data exchange ( Fig.2, USB bus B1 and B2 ), and data processor being further connected to digital data bus connection of base connector for communicating station selection data corresponding to inputs received from input/output device via digital data bus connection to the base unit ( Fig.2, CPU 11 is connected to bus B1, B2 ).

As to claims 30 and 31, MIN-JAE shows first base connector further includes a first digital data bus connection for bidirectional data exchange ( USB bus B1, B2 ), and data processor being further connected to first digital data bus connection of base connector for communicating station selection data corresponding to inputs received from input/output device via first digital data bus connection to the base unit ( CPU 11 is connected to bus B1, B2 ), second base connector further includes a second digital data bus connection for connection to first digital data



bus connection for receiving digital data including station selection data ( Fig.2, bus B1 and B2 ) and the tuner being connected to second digital data bus connection and further selecting a station corresponding to station selection data ( The radio suggests in figure 2 and in column 8, lines 58-63, the radio in the base unit 10 which connects to digital data bus B1 and B2 ).

6) Applicant's arguments with respect to claims 1-27 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

7) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

( See form PTO-892 attached herein ).

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

August 9, 2005